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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,955	06/17/2005	Horst Glatz	5200.P0067US	8659

23474 7590 03/18/2011
FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

EXAMINER

CHANG, RICK KILTAE

ART UNIT	PAPER NUMBER
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3726

MAIL DATE	DELIVERY MODE
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03/18/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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KALAMAZOO MI 49008-1631

In re Application of:
GLATZ, HORST et al
Serial No. 10/539,955
Filed: June 17, 2005
Docket: 5200.P0067US
Title: METHOD AND PRODUCITON LINE
FOR RATIONALLY PRODUCING U-
SHAPED HEAT EXCHANGE TUBES

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on March 7, 2011 by which petitioner requests reconsideration and withdrawal of the restriction requirement based on constructive election mailed Nov. 12, 2010 and that non-elected claims 19-23 be rejoined and examined on the merits. Claims 2-5 and 18 were held to be constructively elected and examined. Claims 19-23 were withdrawn from consideration due to non-elected invention. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is granted.

In finding petitioner's points of argument persuasive and after consulting with the examiner, the requested relief is granted. The restriction requirement mailed on Nov. 2, 2010 is hereby withdrawn. Claims 19-23 will be rejoined with the elected invention. The examiner has been requested to issue an Office action to rejoin and treat the non-elected claims 19-23 on the merits as soon as possible.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3726 for further consideration of non-elected claims 19-23 prior to further appeal proceeding. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Angel D. Hayes Jr.
Donald T. Hajec, Director
Technology Center 3700